

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MERIT CAPITAL GROUP,LLC,

Plaintiff,

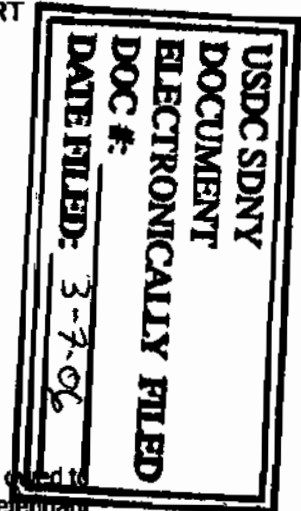
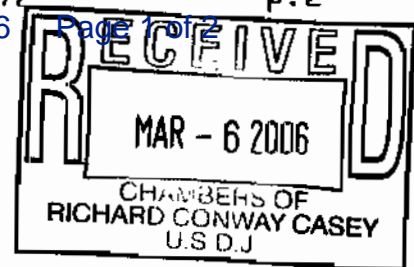
-against-

TRIO INDUSTRIES MANAGEMENT,LLC,
TRIO INDUSTRIES HOLDINGS,LLC,
EVAN R. DANIELS AND ROBERT E.
GYEMANT,

Defendants.

Civil Action no. 04 CV 7690 (RCC) (RLE)

NOTICE OF MOTION FOR DEFEDANT
DANIELS TO APPEAR AT COURT
CONFERENCE SET FOR
MARCH 10, 2006 VIA AUDIO
TELECONFERENCE



MOTION ALLOWING DEFEDANT DANIELS TO BE HEARD AT COURT
CONFERENCE ON MARCH 10, 2006 VIA AUDIO CONFERENCE :

I. BACKGROUND FACTS

The above litigation is brought on by CEO Gyemant's unwillingness to pay Plaintiff the monies owed to them. Defendant Daniels does not want to cause any undue burden upon the court, but Defendant Daniels is not currently working and does not have the monies to travel to appear in front of the Honorable Judge Richard C. Casey. Though this litigation is vexatious at best, Defendant Daniels is being seriously disadvantaged and has tried vigorously to obtain new counsel without success and therefore must relay this information to the court and Defendant Daniels must continue to represent himself as Pro Se in the above matter. As previously mentioned in the last motion to be heard at court conference via audio conference, the facts still remain the same. Defendant Daniels has had to short sale his home and received no monies from the sale which took place on February 1, 2006. Daniels is currently renting an apartment. Daniels is being forced to litigate in a venue other than Dallas, which is different than Daniels current dwelling city. Daniels is being forced by monetary circumstances to appear in front of this court Pro Se, which again seriously disadvantages Daniels from mounting a proper defense at such a late date.

Defendant Daniels was ordered to ask the court no later than one week before the hearing to ask for the courts permission to appear Via Telephone Conference on a hearing set for March 10, 2006. Defendant Daniels has tried to obtain counsel and until 12:00 PM CST on March 2, 2006, Defendant Daniels had not heard back from the last of his efforts to obtain counsel. Therefore Defendant Daniels will send this motion certified delivery and faxed to the court for the Honorable Judge Richard C. Casey review of this request.

II.
DEFENDANT DANIELS IS ASKING FOR AN AUDIO TELECONFERENCE ON MARCH 10, 2006

*Application granted.
So ordered.*

Richard Conway Casey

March 6, 2006

Respectfully submitted,

Evan R. Daniels

Evan R. Daniels
Pro Se

Certificate of Service

This is to certify that a true and correct copy of the above and foregoing has been sent to counsel of record, via fax on March 2, 2006 and certified mail on March 3, 2006.



Evan R. Daniels

Parties: Take note of the motion attached herewith and comply.

Copies: Honorable Judge Richard C. Casey (7004-2890-0000-6130-6992)
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 Southern District Court of New York
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 Chambers 1350
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